REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims **1-34** are pending in the application.

Claims **1-34** have been rejected.

Claims **1, 2, 6-13, 24, 29-31,** and **33** have been amended in this submission. It is respectfully submitted that no new matter is added by these amendments.

Telephone Interview

Applicants are grateful to the Examiner for granting and conducting the telephone interview on August 30, 2011 with Applicants' representative, Guy Yonay, Reg. No. 52,388. During the interview, the priority issue and the Sweetchillisauce reference were discussed. The Examiner agreed that (at least) claim 1 as currently amended is supported by the original provisional application as filed.

CLAIM REJECTIONS

35 U.S.C. § 101 Rejection

Applicants are grateful to the Examiner for withdrawing the rejection of claims 1-7, 10, 14, 15, 17, 18, and 24-34 under 35 U.S.C. § 101.

35 U.S.C. § 112 Rejection

Applicants are grateful to the Examiner for withdrawing the rejection of claims 8, 23, and 30 under 35 U.S.C. § 112.

The Examiner has not rejected claims 1, 24, and 32 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner as inquired whether by "responding" is meant that (1) the server automatically generates the response without human intervention, or (2) a human uses the server to manually generate and transmit the response, or (3) the response is generated by a client, forwarded to the mail server for sending to the contact point.

The Examiner is referred to the specification, including para. [0031] of the application as published for further details. Moreover, it will be noted that in order to clarify the scope of the claims, Applicants have amended claims 1, 24, and 32.

Priority Claim

Applicants are grateful to the Examiner for acknowledging the priority claim based on U.S. Provisional Patent Application No. 60/517,858, filed Nov. 7, 2003. The Examiner has inquired about support for some of the pending claims.

Preliminarily, it is noted that the Examiner has not objected to support in the provisional application for claims 2-4, 10, 14, 16, 19, and 25-26.

Regarding claims 1, 24 and 32, the Examiner has inquired whether the clogging is done manually or by the server. Applicants respectfully submit that the provisional application discloses a system for automatically performing the steps involved.

- The Detailed Description of the Invention states that "Phishing emails . . . will be blocked or otherwise dealt with, for example without reaching recipients' mailboxes." (p. 5).

- The description largely refers to the system performing various steps. On the contrary, when human intervention is required, it is specifically noted, e.g.,

"Further rules, such as a second set of secondary rules, as well as <u>potentially human review</u>, may be applied. . ." (p. 5).

- References to "Clogging" (pp. 7-8) are found together with other points that are clearly system-automated actions, e.g., blocking and alerting, which are typically performed on a mass scale, and cannot be performed manually in any commercial implementation of the invention.

Applicants further note that the current amendments to claims 1, 24, and 32 are fully supported in the provisional patent application. For example, claim 1 has now been amended to recite:

> responding, by the server processor, to a contact point created by a party, the response including a set of details, the set of details including a set of false personal information, said false personal information including information associated with a false account;
>
> monitoring said false account for attempted access; and
>
> based on an attempt to access said false account, determining that said party is attempting to commit fraud.

Support for this amended claim may be found, for example, at the portions of the provisional application, cited below, which disclose:

> An anti email-spam company that works with this method may set up numerous email accounts that do not belong to real people or entities, and lists them in public email guides. If an email gets to these addresses it can be either the result of a spam or an honest mistake. If the email reaches several addresses the chances of an honest mistake are slim.

<div align="center">*   *   *</div>

> 4. **Clogging**: For example, the Phishing website [] which tries to collect data from the Service Provider's customers, is filled with fake records of people, thus diluting the quality of data that the fraudsters obtain.
>
> 5. **Mark & Block**: For example, the Phishing website to which tries to collect data from the Service Provider's customers, is filled with fake records of people. When the Service Provider detects that those "fake people" attempt to access the Service Provider's *real* website/ Service, it will be possible to identify the source of that attempt (using the

> phony records) and to block any further attempts from that same
> source(e.g. IP, location etc), this way, when the fraudster will attempt
> to access the Service Provider's service using real valuable stolen data
> (and no the fake one sent to it) such usage will be blocked. including
> *good* details.
>
> 6. **Mark & Catch:** For example, the Phishing website to which tries
> to collect data from the Service Provider's customers, is filled with
> fake records of people. When the Service Provider detects that these
> "fake people" attempt to enter the Service Provider's *real* website, the
> Service Provider can zero in and catch the fraudster

Provisional patent application, pp. 7-8.

The Examiner has also inquired about support in the provisional application for claims 5-9, 11-13, 15, 17, 18, 20-23, 27-31, 33, and 34. At least with regard to claims 8, 23, 30, and 33, the creation and use of a database including a set of false identities is inherent insofar as the system must keep track of false identities in order to monitory their use by scammers. In addition, the use of a database is disclosed at p. 8.

Accordingly, the Examiner's objection to priority claim at least with respect to claims 1, 8, 23, 24, 30, and 32 is overcome. Therefore, *the provisional application provides support for at least claims 1-4, 8, 10, 14, 16, 19, 23-26, 30, 32, and 33.* All other claims are supported at least as early as Nov. 8, 2004, in the PCT application.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1-2, 5-13, 15, 18, 24, and 26-31 under 35 U.S.C. § 103(a), as being unpatentable over Sweetchillisauce (NPL) in view of U.S. Pat. Pub. No. 2005/0257261 (Shraim). Applicant respectfully traverses the rejection for at least the reasons that follow.

First, as discussed above, the provisional application, filed Nov. 7, 2003, provides support for at least claims 1-2, 8, 10, 24, 26, 30, 32, and 33. Therefore, the rejection of these claims over Shraim, filed May 2, 2004, is improper. As to rejected claims 5-7, 9, 11-13, 15, 18, 27-29, and 31, Applicants traverse the rejection for the below reasons.

Applicants have thoroughly reviewed the Sweetchillisauce reference, including every item of correspondence between "Kris Kringle" and the Nigerian scammer "Stella Mike." While the rotund Mr. Kringle's joviality is highly entertaining – indeed, at times hilarious – the reference hardly discloses a systematic method of ferreting out Phishing scams.

Indeed, the nature of the particular scam must be understood in order to appreciate the significant differences between the claimed invention and the Sweetchillisauce reference. Stella Mike writes that Kris Kingle's account is blocked, and that Mr. Kringle can buy certain software to unblock it. It must be understood that the (gender-ambiguously named) *Ms. Mike does not actually want to access Mr. Kingle's account*. Therefore, when Kris Kringle writes that his account is at "St Nicholas Bank Limited, Christmas Hills Branch," Stella Mike has no intention of accessing this account. Ms. Mike makes money from Mr. Kingle's voluntarily purchasing the unlocking software for $3,500. To this end, Ms. Mike sends Mr. Kringle real bank account information, for Mr. Kringle to transfer the money into. In short, not only is the Sweetchillisauce reference is a prank correspondence, *it does not even disclose a Phishing scam*.

In contrast, claim 1, as amended recites a method comprising:

> responding, by the server processor, to a contact point created by a party, the response including a set of details, the set of details including a set of false personal information, said false personal information including information associated with a false account;
>
> monitoring said false account for attempted access; and
>
> based on an attempt to access said false account, determining that said party is attempting to commit fraud.

Therefore, the Sweetchillisauce reference does not disclose any of these method elements: (a) there is no responding by a server processor, because Mr. Kringle is operated by a human user (to great comical effect), (b) Mr. Kringle does not provide false personal information including information associated with a false account, (c) Mr. Kringle does not monitor a false account (for example, at St Nicholas Bank Limited, Christmas Hills Branch) for attempted access, and (d) Mr. Kringle does not determine whether Ms. Mike is attempting

to commit fraud, either because he doesn't care, or (more likely) because he has already determined from the start that this is a scam.

The Examiner has considered that the Sweetchillisauce reference does not disclose responding by a server, but argued that modifying the Sweetchillisauce reference so that the responses are by a server would have been obvious "because doing so allows the process of NPL to be automated." (Office action, p. 9). With due respect, the Office action mischaracterizes the purpose of the Sweetchillisauce reference, which is merely to entertain. What exactly would be the point of an automated replacement of Mr. Kringle... to make automated jokes? That is, because the Sweetchillisauce reference does not disclose a utilitarian process, but one intended for entertainment alone, there would have been no reason to automate it.

In any event, even it would have been obvious to automate the process, doing so would not have involved monitoring a false account for attempted access; and based on an attempt to access said false account, determining that said party is attempting to commit fraud, as now recited in amended claim 1.

Accordingly, independent claims 1 and 24 are allowable over the Sweetchillisauce reference. Each of dependent claims 2, 5-13, 15, 18, and 26-31 depends, directly or indirectly, from independent claims 1 and 24 and includes all the features of the claim from which it depends as well as additional distinguishing features, and is therefore allowable.

In addition, however, some of claims 2-3, 7, 9-13, 15, 26, 29 and 31 merit further discussion.

Regarding claim 2, the Examiner stated that the Sweetchillisauce reference teaches responding a _plurality_ of times, each response including a different set of details. Applicants have now chuckled and belly-laughed through every joke in the Sweetchillisauce reference, and have not found Mr. Kringle providing Ms. Mike with different sets of details, for example, different bank accounts. Indeed, it is Ms. Mike who provides Mr. Kringle with her

(real) bank account information for him to transfer funds into. That is, Ms. Mike is not attempting to access Mr. Kingle's bank account information.

Regarding claims 11-13 and 31, to find the elements of responding using a plurality of Internet access points, a plurality of intermediate networks, a plurality of intermediate Internet service providers the Examiner pointed to *Stella Mike* generating multiple requests directed to multiple users, and that multiple users may respond independently. Applicants disagree with this reading of the claim, but in any event, even if there were a plurality of Sweetchillisause anti-pranksters (which itself is hard to believe), this would not entail a server processor automatically responding a plurality of times, but a plurality of users manually responding using a plurality of processors.

Regarding claim 15, to find the element of "wherein the number of is in proportion to a size of an attack in response to which the responses are sent", the Examiner pointed to each response being generated in response to a scam request. Although the Examiner has hypothesized a plurality of Kris Kingles, responding to a respective plurality of requests by Stella Mike, the Sweetchillisauce reference does not disclose a server processor to generate a number of responses that is proportional to a size of an attack.

Regarding claim 18, the Examiner wrote that the Sweetchillisauce reference and Shraim "collectively" teach that the timing mimics the behavior of automated client software. First, the Examiner does not seem to claim that the Sweetchillisauce reference discloses this element. Second, even if Shraim discloses this element, as discussed above, the Examiner has not made a prima facie case, because the Examiner has not addressed any motivation to combine Shraim with a harmless prank on an unsuspecting Nigerian scammer.

In the Office Action, the Examiner rejected claims 3, 16 and 25 under 35 U.S.C. § 103(a), as being unpatentable over Sweetchillisauce in view of Shraim, in further view of Applicant Admitted Prior Art (AAPA). First as discussed above, the provisional application

provides support for claims 3, 16, and 25, and therefore, the Shraim reference is inapplicable. Moreover, the Sweetchillisauce reference does not disclose every element of claim 1. Accordingly, claims 3, 16 and 25 are allowable over the combination of Sweetchillisauce, Shraim, and Applicant Admitted Prior Art, at least by reason of depending from an allowable base claim.

In the Office Action, the Examiner rejected claim 14 under 35 U.S.C. § 103(a), as being unpatentable over Sweetchillisauce in view of U.S. Pat. Pub. No. 2006/0053490 (Hertz). Applicant respectfully traverses the rejection for at least the reasons that follow.

Primarily, Hertz can not cure the deficiencies of Sweetchillisauce discussed above. Accordingly, claim 14 which depends from allowable base claim 1 is allowable over the combination of Sweetchillisauce and Hertz.

Hertz is directed to detecting, preventing, and repairing network intrusions. To find the element of "data in a response is marked, the method comprising monitoring an institution for the use of marked data in an attempted transaction", the Examiner pointed to paragraph [0088] of Hertz which discloses:

> Certainly in such an event, autonomously implemented counter measures may also be performed if appropriate as a defensive or evasive action or deterrent, e.g., if a pass code was inadvertently sent out (and it was not blocked by the system) the pass code could be automatically changed or temporarily frozen or if a personal bank account or credit card number were sent out in a suspected inappropriate context (again assuming it was not blocked at the source by the system), the account could be automatically temporarily frozen and the number changed or (for example) the account automatically set up as a honey pot trap to acquire just enough information about who the suspect entity is in order to catch him in an inappropriate act of fraud or deception.

However, although disclosing measures taken when a password or other sensitive information has leaked and a honey pot trap to acquire information about a suspected entity, paragraph [0088] does not disclose responding with marked data or other elements in claim 14. Nor would have been obvious to combine the Sweetchillisauce reference with the Herz

reference, insofar as there is no motivation or reason for Kris Kingle to detect, prevent, and repair network intrusions.

In the Office Action, the Examiner rejected claim 17 under 35 U.S.C. § 103(a), as being unpatentable over Sweetchillisauce in view of Shraim, in further view of U.S. Pat. No. 6,330,672 (Shur). Applicant respectfully traverses the rejection for at least the reasons that follow.

Primarily, Shur can not cure the deficiencies of Sweetchillisauce and Sbhraim, discussed above with respect to claim 1. Accordingly, claim 17 which depends from allowable base claim 1 is allowable over the combination of Sweetchillisauce and Shur.

In addition, Shur is directed to protecting copyright protected work. As disclosed by Shur, a digital watermark is inserted in accordance with a key that is indicative of the location of the mark in a digitally encoded signal. To find the element of "marking a response using a cryptographic algorithm, such that the marking is detectable only with a suitable cryptographic key", the Examiner pointed to Shur, col. 3, lines 40-67. However, there would have been no reason for one of ordinary skill in the art to combine the correspondence of Kris Kringle from the Sweetchillisauce reference with the copyright marking of the Shur reference. Accordingly, claim 17 is allowable over the combination of Sweetchillisauce, Shraim, and Shur.

In the Office Action, the Examiner rejected claims 19-23, and 32-34 under 35 U.S.C. § 103(a), as being unpatentable over Sweetchillisauce in view of Shraim, in further view of AAPA. Applicant respectfully traverses the rejection for at least the reasons that follow. First, as discussed above, the provisional application provides support for at least claims 19, 23, 32, and 33. Accordingly, the Shraim reference is not prior art with respect to these claims. Moreover, the Shraim reference does not disclose the elements of claims 20-22 and 34.

With respect to claim 20, nothing in Shraim discloses or renders obvious that "filling in the web-form comprises transmitting information at a speed designed to mimic a human entering data."

With respect to claim 21, nothing in Shraim discloses or renders obvious "setting the timing of the contacting to resemble that of a set of unrelated users."

With respect to claim 22, nothing in Shraim discloses or renders obvious "setting the timing of the contacting to resemble that of a set of unrelated users."

With respect to claim 34, nothing in Shraim discloses or renders obvious that "entering the data comprises transmitting information at a speed designed to mimic a human entering data."

In any event, with respect to claims 20-22 and 34, there would have been no reason to combine the Sweetchillisauce reference with the disclosures of Shraim or AAPA.

Accordingly, claims 19-23 and 32-34 are allowable over Sweetchillisauce in view of Shraim, in further view of AAPA.
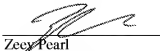
Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

Zeev Pearl
Attorney/Agent for Applicants
Registration No. 60,234

Dated: September 12, 2011

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801